



General Assembly

February Session, 2008

Raised Bill No. 267

LCO No. 1478

* _____SB00267KIDJUD022908_____*

Referred to Committee on Select Committee on Children

Introduced by:
(KID)

AN ACT CONCERNING COURT-ORDERED CHEMICAL ANALYSIS IN JUVENILE MATTERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46b-121 of the 2008 supplement to the general
2 statutes is repealed and following is substituted in lieu thereof
3 (*Effective July 1, 2008*):

4 (a) Juvenile matters in the civil session include all proceedings
5 concerning uncared-for, neglected or dependent children and youths
6 within this state, termination of parental rights of children committed
7 to a state agency, matters concerning families with service needs,
8 contested matters involving termination of parental rights or removal
9 of guardian transferred from the Probate Court, the emancipation of
10 minors and youths in crisis, but does not include matters of
11 guardianship and adoption or matters affecting property rights of any
12 child, youth or youth in crisis over which the Probate Court has
13 jurisdiction, provided appeals from probate concerning adoption,
14 termination of parental rights and removal of a parent as guardian
15 shall be included. Juvenile matters in the criminal session include all
16 proceedings concerning delinquent children in the state and persons

17 sixteen years of age and older who are under the supervision of a
 18 juvenile probation officer while on probation or a suspended
 19 commitment to the Department of Children and Families, for purposes
 20 of enforcing any court orders entered as part of such probation or
 21 suspended commitment.

22 (b) In juvenile matters, the Superior Court shall have authority to
 23 make and enforce such orders directed to parents, including any
 24 person who acknowledges before said court paternity of a child born
 25 out of wedlock, guardians, custodians or other adult persons owing
 26 some legal duty to a child, youth or youth in crisis therein, as it deems
 27 necessary or appropriate to secure the welfare, protection, proper care
 28 and suitable support of a child, youth or youth in crisis subject to its
 29 jurisdiction or otherwise committed to or in the custody of the
 30 Commissioner of Children and Families. In addition, with respect to
 31 proceedings concerning delinquent children, the Superior Court shall
 32 have authority to make and enforce such orders as it deems necessary
 33 or appropriate to punish the child, deter the child from the commission
 34 of further delinquent acts, assure that the safety of any other person
 35 will not be endangered and provide restitution to any victim. Said
 36 court shall also have authority to grant and enforce injunctive relief,
 37 temporary or permanent in all proceedings concerning juvenile
 38 matters. If any order for the payment of money is issued by said court,
 39 including any order assessing costs issued under section 46b-134 or
 40 46b-136 of the 2008 supplement to the general statutes, the collection of
 41 such money shall be made by said court, except orders for support of
 42 children committed to any state agency or department, which orders
 43 shall be made payable to and collected by the Department of
 44 Administrative Services. Where the court after due diligence is unable
 45 to collect such moneys within six months, it shall refer such case to the
 46 Department of Administrative Services for collection as a delinquent
 47 account. In juvenile matters, the court shall have authority to make and
 48 enforce orders directed to persons liable hereunder on petition of said
 49 Department of Administrative Services made to said court in the same
 50 manner as is provided in section 17b-745 of the 2008 supplement to the

51 general statutes, in accordance with the provisions of section 17b-81,
 52 17b-223, subsection (b) of section 17b-179 of the 2008 supplement to the
 53 general statutes, section 17a-90, 46b-129 of the 2008 supplement to the
 54 general statutes or 46b-130, and all of the provisions of section 17b-745
 55 of the 2008 supplement to the general statutes shall be applicable to
 56 such proceedings. Any judge who orders a chemical analysis to detect
 57 the presence of alcohol or drugs pursuant to a juvenile matter shall
 58 order that such analysis be an analysis of blood, breath or urine, except
 59 that a hair analysis may be ordered if the subject of the analysis
 60 consents to such hair analysis after consultation with counsel. Any
 61 judge hearing a juvenile matter may make any other order in
 62 connection therewith that a judge of the Superior Court is authorized
 63 to grant and such order shall have the same force and effect as any
 64 other order of the Superior Court. In the enforcement of its orders, in
 65 connection with any juvenile matter, the court may issue process for
 66 the arrest of any person, compel attendance of witnesses and punish
 67 for contempt by a fine not exceeding one hundred dollars or
 68 imprisonment not exceeding six months.

69 Sec. 2. Section 46b-121 of the general statutes, as amended by section
 70 74 of public act 07-4 of the June special session, is repealed and the
 71 following is substituted in lieu thereof (*Effective January 1, 2010*):

72 (a) (1) Juvenile matters in the civil session include all proceedings
 73 concerning uncared-for, neglected or dependent children and youths
 74 within this state, termination of parental rights of children committed
 75 to a state agency, matters concerning families with service needs,
 76 contested matters involving termination of parental rights or removal
 77 of guardian transferred from the Probate Court and the emancipation
 78 of minors, but does not include matters of guardianship and adoption
 79 or matters affecting property rights of any child or youth over which
 80 the Probate Court has jurisdiction, except that appeals from probate
 81 concerning adoption, termination of parental rights and removal of a
 82 parent as guardian shall be included.

83 (2) Juvenile matters in the criminal session include all proceedings

84 concerning delinquent children within this state and persons eighteen
85 years of age and older who are under the supervision of a juvenile
86 probation officer while on probation or a suspended commitment to
87 the Department of Children and Families, for purposes of enforcing
88 any court orders entered as part of such probation or suspended
89 commitment.

90 (b) (1) In juvenile matters, the Superior Court shall have authority to
91 make and enforce such orders directed to parents, including any
92 person who acknowledges before the court paternity of a child born
93 out of wedlock, guardians, custodians or other adult persons owing
94 some legal duty to a child or youth therein, as the court deems
95 necessary or appropriate to secure the welfare, protection, proper care
96 and suitable support of a child or youth subject to the court's
97 jurisdiction or otherwise committed to or in the custody of the
98 Commissioner of Children and Families. In addition, with respect to
99 proceedings concerning delinquent children, the Superior Court shall
100 have authority to make and enforce such orders as the court deems
101 necessary or appropriate to punish the child, deter the child from the
102 commission of further delinquent acts, assure that the safety of any
103 other person will not be endangered and provide restitution to any
104 victim. The Superior Court shall also have authority to grant and
105 enforce temporary and permanent injunctive relief in all proceedings
106 concerning juvenile matters.

107 (2) If any order for the payment of money is issued by the Superior
108 Court, including any order assessing costs issued under section
109 46b-134 or 46b-136 of the 2008 supplement to the general statutes, the
110 collection of such money shall be made by the court, except orders for
111 support of children committed to any state agency or department,
112 which orders shall be made payable to and collected by the
113 Department of Administrative Services. If the Superior Court after due
114 diligence is unable to collect such moneys within six months, the court
115 shall refer such case to the Department of Administrative Services for
116 collection as a delinquent account. In juvenile matters, the Superior

117 Court shall have authority to make and enforce orders directed to
 118 persons liable hereunder on petition of the Department of
 119 Administrative Services made to the court in the same manner as is
 120 provided in section 17b-745 of the 2008 supplement to the general
 121 statutes, in accordance with the provisions of section 17b-81 or 17b-223,
 122 subsection (b) of section 17b-179 of the 2008 supplement to the general
 123 statutes or section 17a-90, 46b-129 of the 2008 supplement to the
 124 general statutes or 46b-130, and all of the provisions of section 17b-745
 125 of the 2008 supplement to the general statutes shall be applicable to
 126 such proceedings. Any judge who orders a chemical analysis to detect
 127 the presence of alcohol or drugs pursuant to a juvenile matter shall
 128 order that such analysis be an analysis of blood, breath or urine, except
 129 that a hair analysis may be ordered if the subject of the analysis
 130 consents to such hair analysis after consultation with counsel. Any
 131 judge hearing a juvenile matter may make any other order in
 132 connection therewith that a judge of the Superior Court is authorized
 133 to grant and such order shall have the same force and effect as any
 134 other order of the Superior Court. In the enforcement of the court's
 135 orders, in connection with any juvenile matter, the court may issue
 136 process for the arrest of any person, compel attendance of witnesses
 137 and punish for contempt by a fine not exceeding one hundred dollars
 138 or imprisonment not exceeding six months.

This act shall take effect as follows and shall amend the following sections:

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| Section 1 | <i>July 1, 2008</i> | 46b-121 |
| Sec. 2 | <i>January 1, 2010</i> | 46b-121 |

KID

Joint Favorable C/R

JUD